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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,995	09/13/2000	Steven A. Weiss	30150-pa	7972

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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	WEISS, STEVEN A.	
09/660,995		
Examiner Kim Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 August 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,2,4 and 6-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 2,6 and 7 is/are allowed.

6) Claim(s) 1,4,8 and 9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other:

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## **DETAILED ACTION**

Applicant requests for RCE with an amendment of August 13, 2002 (paper Nos. 9 and 10) have been received and processed. By this amendment, claims 8 and 9 have been added and claims 1-2, 4, and 6-9 are now pending in the application.

### *Claim Objections*

1. Claims 4 and 8 are objected to because of the following informalities:

In claims 4 and 8, line 4, the claimed limitation “providing a first bonus game outcome which leads to a first bonus game” should be corrected to “providing a primary game first outcome which leads to a first bonus game”, because it is the primary game outcome that activates the first bonus game. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US. Patent No. 6,364,766) in view of Jaffe (US. Patent No. 6,254,481).

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As per claim 1, Anderson teaches a gaming device which comprises: wager accepting means (col. 3, lines 7-10); a display (col. 3, lines 45-46); processor means (col. 3, lines 50-53); a primary game having a first and second particular outcome (col. 4, liens 58-60); and first and second bonus games being accessed via the first and second outcome, respectively (col. 5, lines 1-3 and 5-7; and col. 6, lines 16-18). Anderson does not teach the first bonus game includes an outcome to play the second bonus game. However, Jaffe teaches a first bonus game that includes an outcome to play a second bonus game (col. 8, lines 38-43). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an outcome that activates a second bonus game taught by Jaffe to the first bonus game of Anderson to activate the second bonus game in order to award extra bonus to the player.

3. Claims 4, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US. Patent No. 6,364,766) in view of Jaffe (US. Patent No. 6,254,481) and Lemay et al (US. Publication No. 2002/0010018).

a. As per claim 4 and 8, refer to discussion in claim 1 above. Anderson in combination with Jaffe do not teach that the first bonus game and the second bonus game are pathway games. However, Lemay teaches designing a pathway game (Fig. 3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the pathway game of Lemay to the first and second bonus games of Anderson in order to allow the player to

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follow a path of progress of the game. Further, as to claim 8, Lemay teaches a pathway having positions that award credits when being landed on (328d, 328j, etc. in Fig. 3).

b. As per claim 9, refer to discussion in claims 4 and 8 above.

***Allowable Subject Matter***

4. Claims 2 and 6-7 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:  
Prior arts of record does not disclose a gaming device which includes a first and second bonus games that are accessible by primary game outcomes, respectively; a certain outcome of the first bonus game also activates the second bonus game; the first bonus game is defined by a path to be traversed and a terminus of the path leads to the second bonus game; the first and second bonus games are implemented in the gaming device set forth in independent claim 2.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

***Cited References***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- i. Morro et al (US. 5,947,820) discloses a first bonus game outcome that triggers a second bonus game (Fig. 6).
- ii. Baerlocher et al (US Pub. 2002/0016200) discloses a pathway game (abstract).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:30PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen  
Patent Examiner  
November 12, 2002